



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Continue Public Hearing until June 4, 2003 to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

**MEETING DATE:** February 19, 2003

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council continue the Public Hearing until June 4, 2003 to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

**BACKGROUND INFORMATION:** As the City Council may recall, this item was continued from your meetings on December 18, 2002 and January 15, 2003.

Since that time a new entity has been working toward the acquisition of the business with the intent of opening a new restaurant at this location. Legends has been closed during this time period. At the time of the preparation of this memorandum, the transfer of the Alcoholic Beverage Control License had not been completed. I have been told by Inspector Kathy Pieratt that the license is in Sacramento awaiting approval. The applicant's have paid their fees and the funds are on deposit in escrow. I have met with the new owners who are working on their plans for the building. Again, I'm convinced this transfer will occur and recommend a further continuance.

In the meantime, once the license is transferred, the appeal would be withdrawn as it no longer applies to the new owner.

**FUNDING:** None required

Konradt Bartlam  
Community Development Director

KB/lw

Attachments

**APPROVED:**

  
  
M. Dixon Flynn -- City Manager

CITY COUNCIL

SUSAN HITCHCOCK, Mayor

EMILY HOWARD

Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6702

FAX (209) 333-6807

cityclrk@lodi.gov

H. DIXON FLYNN

City Manager

SUSAN J. BLACKSTON

City Clerk

RANDALL A. HAYS

City Attorney

January 16, 2003

MAILED CERTIFIED MAIL #7000 1670 0008 4483-1340  
AND REGULAR U.S. POSTAL DELIVERY

Eric Nims, Attorney at Law  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA. 95201-3020

**RE: CONTINUED PUBLIC HEARING – FEBRUARY 19, 2003  
TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION,  
LEGENDS UNLIMITED, INC.**

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This letter is to notify you that the public hearing on January 15, 2003 was opened and continued to **Wednesday, February 19, 2003, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

The hearing is being held to consider your appeal on behalf of Legends Unlimited, Inc. and owner Jacqueline Brown, of the Planning Commission's decision on July 10, 2002 to revoke Use Permit No. 99-22.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.  
*Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact Community Improvement Director Rad Bartlam in the Community Development Department at (209) 333-6823.

Sincerely,



Susan J. Blackston  
City Clerk

SJB/JLT

cc: Jacqueline Brown, Legends Unlimited  
Community Development Director

## **MAILING LIST**

### **APPEAL OF PLANNING COMMISSION DECISION, LEGENDS UNLIMITED**

Eric Nims, Attorney at Law  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201-3020

Jacqueline Brown  
c/o Legends Unlimited, Inc.  
27 West Elm Street  
Lodi, CA 95240



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF CONTINUED PUBLIC HEARING

Date: February 19, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the January 15, 2003 public hearing of the City Council of the City of Lodi to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No.99-02 for Legends Unlimited was opened and **continued to Wednesday, February 19, 2003**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, in the Lodi Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the Community Development Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script, appearing to read "Susan J. Blackston".

Susan J. Blackston  
City Clerk

Dated: January 16, 2003

Approved as to form:

A handwritten signature in cursive script, appearing to read "Randall A. Hays".

Randall A. Hays  
City Attorney



**DECLARATION OF MAILING**  
**LETTER TO APPELLANT**

**CONTINUED PUBLIC HEARING TO FEBRUARY 19, 2003 TO CONSIDER APPEAL**  
**REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED**

On January 16, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2003, at Lodi, California.


ORDERED BY:

**SUSAN BLACKSTON**  
**CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

DECLARATION OF POSTING  
NOTICE OF CONTINUED PUBLIC HEARING  
OF THE CITY COUNCIL OF THE CITY OF LODI

I, Susan J. Blackston, hereby certify that on January 16, 2003 I posted "NOTICE OF CONTINUED PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI TO CONSIDER CONTINUED PUBLIC HEARING TO FEBRUARY 19, 2003 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED", near the Council Chamber door; that said Notice remained posted until after the hour set for said hearing, as shown on said Notice.


A copy of said "NOTICE OF CONTINUED PUBLIC HEARING" as posted near the Council Chamber door, is shown on the attached and is made a part of this Certificate of Posting.

Dated:        January 16, 2003  
                  *(Date Posted - Must be within 24 hours)*

**ORDERED BY:**

SUSAN J. BLACKSTON  
CITY CLERK OF THE CITY OF LODI

**ORDERED BY:**

  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF CONTINUED PUBLIC HEARING

Date: February 19, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF CONTINUED PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the January 15, 2003 public hearing of the City Council of the City of Lodi to consider public comments / testimony regarding an appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No.99-02 for Legends Unlimited, has been **continued to Wednesday, February 19, 2003**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard in the Lodi City Council Chambers, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted January 16, 2003

SUSAN J. BLACKSTON  
CITY CLERK  
of the City of Lodi